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EXAMINER	
RYMAN, DANIEL J	

ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/816,067	MATSUBARA ET AL.	
	Examiner	Art Unit	
	Daniel J. Ryman	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3 January 2008 have been fully considered but they are not persuasive.

2. At the outset, Examiner notes that Applicant equates the amendments of claims 1 and 7 (e.g. "wherein the trunk management system allocates bandwidth of the predetermined communication resources of the data links") with limitations existing in claims 2 and 12 (e.g. "allocating to the sending gateway element a first portion of the predetermined communication resources of at least certain of the network links forming a communicative route between the sending and receiving gateway elements"). Examiner submits that these limitations are not equivalent because the limitations in claim 1 and 7 require the bandwidth allocation to be performed by a trunk management system, whereas the limitations in claims 2 and 12 do not specify what element performs the bandwidth allocation. Due to this difference, Examiner has rejected claims 1 and 7 under 35 U.S.C. 103(a), whereas Examiner has rejected claims 2 and 12 under 35 U.S.C. 102(e). As such, Examiner will separately address each of these limitations.

3. With respect to claim 1, Applicant asserts that "Buyukkoc does not teach 'wherein the trunk management system allocates bandwidth of the predetermined communication resources of the data links.'" Response: p. 8. Examiner agrees, which is why Examiner has rejected claim 1 under 35 U.S.C. 103(a). Nonetheless, Examiner submits that Buyukkoc *suggests* the aforementioned limitation for the reasons set forth below.

4. With respect to claim 7, Applicant asserts that "Buyukkoc does not teach 'wherein the trunk management system allocates bandwidth . . . based on the status information . . . .'" *Id.*

(emphasis in original). Examiner agrees, which is why Examiner has rejected claim 7 under 35 U.S.C. 103(a). Nonetheless, Examiner submits that Buyukkoc *suggests* the aforementioned limitation for the reasons set forth below.

5. With respect to claim 2, Applicant asserts that "Buyukkoc does not teach 'allocating to the sending gateway element a first portion of the predetermined communication resources of at least certain of the network links.'" *Id.* at 9. Specifically Applicant asserts that Buyukkoc fails to disclose this limitation because Buyukkoc uses a static reservation of capacity that is not part Buyukkoc's dynamic routing scheme. *Id.* at 8. However, even assuming that Applicant's assertion is true, Examiner fails to see why a static reservation of capacity does not anticipate Applicant's claim. The limitations of claim 2 only require an allocation of communication resources, where such an allocation occurs during a static reservation of capacity. Critically, claim 2 never specifies that the allocation must be dynamic or that the allocation must be part of the routing process. As such, Examiner maintains that Buyukkoc anticipates Applicant's claim.

6. With respect to claim 2, Applicant further asserts that "Buyukkoc does not teach 'receiving . . . [a] request including a specification of requested communication resource, the sending gateway element checking the status information to grant the request if the currently available amount of the allocated communication resources of the communicative route is equal or greater than the requested communication resource." Response: p. 9 (emphasis in original). Examiner respectfully disagrees. As outlined in the previous Office Action and below, Buyukkoc discloses receiving at the sending gateway element a request from the sender unit for a data transfer across the communicative route. Buyukkoc: col. 9, lines 41-42 (where the edge nodes receive set-up requests, i.e. a request from the sender unit for a data transfer across the

communicative route). Buyukkoc further discloses that the request includes a specification of requested communication resource. Buyukkoc: col. 9, lines 42-45 (where the set-up request has a bandwidth requirement). In addition, Buyukkoc teaches that the sending gateway element checks the status information to grant the request if the currently available amount of the allocated communication resources of the communicative route is equal or greater than the requested communication resource. Buyukkoc: col. 9, lines 49-60 (where the edge node grants the request if there is sufficient capacity on the route, i.e. the currently available amount of the allocated communication resources of the communicative route is equal or greater than the requested communication resource). As such, Examiner maintains that Buyukkoc discloses receiving a request including a specification of requested communication resource where the sending gateway element checks the status information to grant the request if the currently available amount of the allocated communication resources of the communicative route is equal or greater than the requested communication resource.

7. In view of the foregoing, Examiner maintains that the claims are either anticipated by or rendered obvious by the cited prior art.

Claim Objections

8. Claim 4 is objected to because of the following informalities: in lines 1-2, "the information" should be "the status information". Appropriate correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 2, 3, 5, 6, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Buyukkoc et al. (USPN 6,463,062), of record.

11. Regarding claim 2, Buyukkoc discloses a method of management of data communication through a core network between a sender unit and a receiver unit that includes the steps of: defining at least one communicative route through the core network between the sender unit and the receiver unit that includes a plurality of network links that each have a predetermined communication resource (col. 5, lines 46-51, where a VPI defines a route through the network between the sender and the receiver that includes a plurality of network links, see also col. 7, lines 51-61; and col. 9, lines 26-35, where the "capacity of the link" indicates that the links each have a predetermined communication resource); coupling the sender unit and the receiver unit to the core network with sending and receiving gateway elements, respectively (Fig. 1, ref. 210-320, and col. 4, lines 19-25, where the edge nodes, i.e. gateway elements, are coupled to the backbone network and customers, i.e. sender unit and receiver unit); allocating to the sending gateway element a first portion of the predetermined communication resources of at least certain of the network links forming a communicative route between the sending and receiving gateway elements (col. 10, lines 21-26, where each edge node may reserve capacity on links, i.e. allocating to the sending gateway a first portion of the predetermined communication resources, see also col. 2, lines 58-62 and col. 9, lines 49-53, where the edge nodes are connected using "pre-provisioned paths," i.e. allocating to the sending gateway element a portion of the

predetermined communication resources of the network links forming the communicative route between the sending and receiving gateway elements), and maintaining at the sending gateway element information indicative of the allocated predetermined communication resources (col. 12, lines 49-54, where, in one embodiment, the edge nodes calculate the status of pre-determined routes through the network using the total bandwidth used on each link, and col. 9, lines 27-37, where the status information is determined by a comparison of the traffic on each link to the capacity of the link, such that the edge nodes must have allocations of the capacity of the links, i.e. predetermined communications resources on the data links, so that the edge nodes can perform the status determination, see also col. 10, lines 21-26, where determining the status of links containing reserved bandwidth requires the edge node to know the allocation of capacity) and status information indicative of a currently used amount of the allocated communication resources (col. 12, lines 49-54, where the edge nodes know the total bandwidth used on each link, see also col. 12, lines 44-49, where each edge nodes tracks the bandwidth that it is using) and a currently available amount of the allocated communication resources (col. 9, lines 27-37, where the status information is indicative of an amount of currently available communications resources of the data links); receiving at the sending gateway element a request from the sender unit for a data transfer across the communicative route (col. 9, lines 41-42, where the edge nodes receive set-up requests, i.e. a request from the sender unit for a data transfer across the communicative route), the request including a specification of requested communication resource (col. 9, lines 42-45, where the set-up request has a bandwidth requirement), the sending gateway element checking the status information to grant the request if the currently available amount of the allocated communication resources of the communicative route is equal or greater

than the requested communication resource (col. 9, lines 49-60, where the edge node grants the request if there is sufficient capacity on the route, i.e. the currently available amount of the allocated communication resources of the communicative route is equal or greater than the requested communication resource).

12. Regarding claim 3, Buyukkoc discloses allocating a second portion of the predetermined communication resource of the certain of the network links (col. 10, lines 21-26, where each edge node may reserve capacity on links, i.e. allocating a portion of the predetermined communication resource on certain of the network links, see also col. 2, lines 58-62 and col. 9, lines 49-53, where the term "pre-provisioned paths" indicates that all links in the path will be "pre-provisioned," i.e. each link will be allocated a portion of the predetermined communication resource).

13. Regarding claim 5, Buyukkoc discloses that the predetermined communication resource is a communication bandwidth (col. 9, lines 26-35, where the "capacity of the link" is a bandwidth).

14. Regarding claim 6, Buyukkoc discloses that the predetermined communication resource includes a communication bandwidth (col. 9, lines 26-35, where the "capacity of the link" is a bandwidth).

15. Regarding claim 12, Buyukkoc discloses a system for providing a QoS communication route from a first communicating entity to a second communicating entity through a core network that includes a plurality of network links, the system including: a data store comprising an information table of information indicative of a predetermined communication resource associated with each network link (col. 10, lines 21-26, where the entity granting the reservation

must track the amount of reserved capacity on each link, see also col. 14, line 18); a sending gateway element and a receiving gateway element respectively coupling the first and second communicating entities to the core network (Fig. 1, ref. 210-320, and col. 4, lines 19-25, where the edge nodes, i.e. gateway elements, are coupled to the backbone network, i.e. core network, and customers, i.e. first and second communicating entities); wherein the sending gateway element is configured to be assigned a first portion of the predetermined communication resources of at least certain of the network links forming a communicative route between the sending and receiving gateway elements (col. 10, lines 21-26, where each edge node may reserve capacity on links, i.e. assigning to the sending gateways a first portions of the predetermined communication resources, see also col. 2, lines 58-62 and col. 9, lines 49-53, where the edge nodes are connected using "pre-provisioned paths," i.e. allocating to the gateway elements a portion of the predetermined communication resources of the network links forming the communicative route between the gateway elements), and to maintain at the sending gateway element information indicative of the allocated predetermined communication resources (col. 12, lines 49-54, where, in one embodiment, the edge nodes calculate the status of pre-determined routes through the network using the total bandwidth used on each link, and col. 9, lines 27-37, where the status information is determined by a comparison of the traffic on each link to the capacity of the link, such that the edge nodes must know the allocations of the capacity of the links, i.e. predetermined communications resources on the data links, so that the edge nodes can perform the status determination, see also col. 10, lines 21-26, where determining the status of links containing reserved bandwidth requires the edge node to know the allocation of capacity) and status information indicative of a currently used amount of the allocated communication

resources (col. 12, lines 49-54, where the edge nodes know the total bandwidth used on each link, see also col. 12, lines 44-49, where each edge nodes tracks the bandwidth that it is using) and a currently available amount of the allocated communication resources (col. 9, lines 27-37, where the status information is indicative of an amount of currently available communications resources of the data links); and wherein the sending gateway element is configured to receive a request from the sender unit for a data transfer across the communicative route (col. 9, lines 41-42, where the edge nodes receive set-up requests, i.e. a request from the sender unit for a data transfer across the communicative route), the request including a specification of requested communication resource (col. 9, lines 42-45, where the set-up request has a bandwidth requirement); the sending gateway element checking the status information to grant the request if the currently available amount of the allocated communication resources of the communicative route is equal or greater than the requested communication resource (col. 9, lines 49-60, where the edge node grants the request if there is sufficient capacity on the route, i.e. the currently available amount of the allocated communication resources of the communicative route is equal or greater than the requested communication resource).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

17. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buyukkoc et al. (USPN 6,463,062), of record.

18. Regarding claim 1, Buyukkoc discloses a data network for communicating data between a sender unit and a receiver unit, comprising: a core network including relay elements intercoupled by data links (Fig. 1, ref. 10, and col. 4, lines 16-23, where the backbone network, i.e. a core network, includes ATM switches, i.e. relay elements, intercoupled by data links); a gateway element coupled to the core network and to the sender unit, the receiver unit being coupled to the core network (Fig. 1, ref. 210-320, and col. 4, lines 19-25, where the edge nodes, i.e. gateway element, are coupled to the backbone network and customers, i.e. sender unit and receiver unit, wherein "coupled to the core" is a broad phrase which permits indirect coupling); the gateway element having at least one information table identifying at least one route from the gateway element through the core network to the receiver unit (col. 7, lines 52-61, where the edge node, i.e. gateway element, has a database, i.e. at least one information table, identifying VPIs that are available for reaching a given destination node, i.e. at least one route from the edge node through the network to the receiver, see col. 5, lines 46-49), including data links which constitute the at least one route (col. 7, lines 52-61, where database identifies the links involved in each VPI), allocations of predetermined communication resources of the data links (col. 12, lines 49-54, where, in one embodiment, the edge nodes calculate the status of pre-determined routes through the network using the total bandwidth used on each link, and col. 9, lines 27-37, where the status information is determined by a comparison of the traffic on each link to the capacity of the link, such that the edge nodes must have allocations of the capacity of the links, i.e. predetermined communications resources on the data links, so that the edge nodes can perform the status determination, see also col. 10, lines 21-26), and status information indicative of an amount of currently used communication resources of the data links (col. 12, lines 49-54,

where the edge nodes know the total bandwidth used on each link) and an amount of currently available communication resources of the data links (col. 9, lines 27-37, where the status information is indicative of an amount of currently available communications resources of the data links); and a trunk management system, wherein the gateway element periodically sends the status information to the trunk management system (col. 12, lines 44-54, where each edge node transmits to the CRSDS (centralized database), i.e. the trunk management system, the amount of bandwidth that it is using on each link, where the amount of bandwidth that an edge node is using is, as broadly defined, the status information since it is "indicative" of an amount of currently used communication resources and an amount of currently available communication resources of the data links).

Buyukkoc does not expressly disclose that the trunk management system allocates bandwidth of the predetermined communication resources of the data links. However, Buyukkoc does disclose that the edge nodes reserve capacity in the links (col. 10, lines 21-26). Buyukkoc also discloses that the centralized database, i.e. the trunk management system, tracks the information capacity of each route, the connectivity information regarding the routes, and the status of all routes (col. 14, lines 15-22). Buyukkoc further discloses that the centralized database uses the status information to determine whether or not a link is congested (col. 14, lines 19-22, see also col. 9, lines 27-35). It would have been obvious for one of ordinary skill in the art at the time of the invention to have the centralized database, i.e. the trunk management system, allocate bandwidth of the predetermined communication resources of the data links to ensure that the centralized system does not grant a request for reservation of bandwidth for an edge node on a link that is already congested.

19. Regarding claim 7, Buyukkoc discloses a method of admission control of data to a core network having a number of relay nodes interconnected by data links, the method including the steps of: associating a predetermined data communication capacity with each of the data communicating links (col. 9, lines 26-35, where the "capacity of the link" indicates that the links each have a predetermined communication resource); communicatively coupling sending and receiving gateway elements to the core network (Fig. 1, ref. 210-320, and col. 4, lines 19-25, where the edge nodes, i.e. gateway elements, are coupled to the backbone network); connecting first and second data transfer elements to the sending and receiving gateway elements, respecting, for data communication by a route through the core network containing certain of the data links (Fig. 1, ref. 210-320, and col. 4, lines 19-25, where the edge nodes, i.e. gateway elements, are coupled to customers, i.e. data transfer elements, and col. 7, lines 51-61, where the route, i.e. a VPI, contains certain data links); assigning first and second portions of the data communication capacity of at least the certain of the data links to the sending and receiving gateway elements, respectively (col. 10, lines 21-26, where each edge node may reserve capacity on links, i.e. assigning to the sending and receiving gateways portions of the predetermined communication resources, see also col. 2, lines 58-62 and col. 9, lines 49-53, where the edge nodes are connected using "pre-provisioned paths," i.e. allocating to the gateway elements a portion of the predetermined communication resources of the network links forming the communicative route between the gateway elements); providing the sending gateway element with information indicative of the first portion (col. 12, lines 49-54, where, in one embodiment, the edge nodes calculate the status of pre-determined routes through the network using the total bandwidth used on each link, and col. 9, lines 27-37, where the status information is determined

by a comparison of the traffic on each link to the capacity of the link, such that the edge nodes must know the allocations of the capacity of the links, i.e. predetermined communications resources on the data links, so that the edge nodes can perform the status determination, see also col. 10, lines 21-26, where determining the status of links containing reserved bandwidth requires the edge node to know the allocation of capacity), the sending gateway element responding to a request for data communication of a requested capacity from the first data transfer element by checking the information (col. 9, lines 41-45, where the edge nodes receive set-up requests for a bandwidth, i.e. a request from the sender unit for a data transfer across the communicative route wherein the set-up request has a bandwidth requirement, and col. 9, lines 49-60, where the edge node determines whether to grant the request by checking whether sufficient capacity exists on the route), determining status information indicative of currently used data communication capacity of the certain links (col. 12, lines 49-54, where the edge nodes know the total bandwidth used on each link, see also col. 12, lines 44-49, where each edge nodes tracks the bandwidth that it is using) and currently available data communication capacity of the certain links (col. 9, lines 27-37, where the status information is indicative of an amount of currently available communications resources of the data links), and granting the request if the currently available data communication capacity of the certain data links is at least equal to or greater than the requested capacity (col. 9, lines 49-60, where the edge node grants the request if there is sufficient capacity on the route, i.e. the currently available amount of the allocated communication resources of the communicative route is equal or greater than the requested communication resource), wherein the sending gateway element periodically sends the status information to a trunk management system (col. 12, lines 44-54, where each edge node transmits

to the CRSDS (centralized database), i.e. the trunk management system, the amount of bandwidth that it is using on each link, where the amount of bandwidth that an edge node is using is, as broadly defined, the status information since it is "indicative" of an amount of currently used communication resources and an amount of currently available communication resources of the data links).

Buyukkoc does not expressly disclose that the trunk management system allocates bandwidth of the certain links of the route based on the status information indicative of currently used data communication capacity of the certain links and currently available data communication capacity of the certain links. However, Buyukkoc does disclose that the edge nodes reserve capacity in the links (col. 10, lines 21-26). Buyukkoc also discloses that the centralized database, i.e. the trunk management system, tracks the information capacity of each route, the connectivity information regarding the routes, and the status of all routes (col. 14, lines 15-22). Buyukkoc further discloses that the centralized database uses the status information to determine whether or not a link is congested (col. 14, lines 19-22, see also col. 9, lines 27-35). It would have been obvious for one of ordinary skill in the art at the time of the invention to have the centralized database, i.e. the trunk management system, allocate bandwidth of the certain links to the route based on the status information to ensure that the centralized system does not grant a request for reservation of bandwidth for an edge node on a link that is already congested.

20. Claims 4 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buyukkoc et al. (USPN 6,463,062), of record, as applied to claims 3 and 7 above, and further in view of Kenney et al. (US 2002/0122422).

21. Regarding claims 4 and 8, Buyukkoc does not expressly disclose that the step of checking the information includes reconfiguring the predetermined communicative resource of the certain of the network links to re-allocate at least a portion of the communicative resource allocated to the receiving gateway element to the sending gateway element. Kenney teaches, in a QoS system, that most systems for link sharing allow a form of borrowing so that an "overlimit" entity can temporarily use bandwidth reserved for, but not used by, another entity (¶ [0069]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Kenney's borrowing system in Buyukkoc's QoS system to permit an overlimit gateway element to borrow capacity from another gateway element. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to reconfigure the predetermined communicative resource of the certain of the network links to re-allocate at least a portion of the communicative resource allocated to the receiving gateway element to the sending gateway element to permit an overlimit sending gateway element to borrow capacity from the receiving gateway element.

22. Regarding claim 9, Buyukkoc in view of Kenney discloses providing the receiving gateway element with information indicative of the second portion (Buyukkoc: col. 12, lines 49-54, where, in one embodiment, the edge nodes calculate the status of pre-determined routes through the network using the total bandwidth used on each link, and col. 9, lines 27-37, where the status information is determined by a comparison of the traffic on each link to the capacity of the link, such that the edge nodes must know the allocations of the capacity of the links, i.e. predetermined communications resources on the data links, so that the edge nodes can perform

the status determination, see also col. 10, lines 21-26, where determining the status of links containing reserved bandwidth requires the edge node to know the allocation of capacity).

23. Regarding claim 10, Buyukkoc in view of Kenney discloses that the step of re-assigning includes decreasing the information indicative of the second portion by the part of the second portion re-assigned to the first portion (Kenney: ¶ [0069], where the reassignment would decrease the information indicative of the second portion by the part of the second portion reassigned to the first portion when the first portion borrows capacity from the second portion).

24. Regarding claim 11, Buyukkoc in view of Kenney discloses that the step of re-assigning includes increasing the information indicative of the first portion by the part of the second portion re-assigned to the first portion (Kenney: ¶ [0069], where the reassignment would increase the information indicative of the first portion by the part of the second portion reassigned to the first portion when the first portion borrows capacity from the second portion).

Conclusion

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (571)272-3152. The examiner can normally be reached on Mon.-Fri. 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel J. Ryman
Examiner
Art Unit 2616

Daniel Ryman